

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TROPHIC CONVERSION OF OBLIGATE PHOTOTROPHIC ALGAE THROUGH METABOLIC ENGINEERING

the specification of which: is attached hereto.
 was filed on: _____
as Application No.: _____
and was amended on: _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/198,742	April 21, 2000

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Rodger L. Tate, Registration No. 27,399; Anthony W. Shaw, Registration No. 30,104; James Remenick, Registration No. 36,902; Michael J. Songer, Reg. No. 39,841; Cono A. Carrano, Registration No. 39,623; Laurence H. Posorske, Registration No. 34,698; Floyd B. Chapman, Registration No. 40,555; David J. Kulik, Registration No. 36,576; Robert A. King, Registration No. 42,738; and Trevor Q. Coddington, Registration No. 46,633.

All correspondence and telephone communications should be addressed to: Brobeck, Phleger & Harrison LLP; Intellectual Property Department; 1333 H Street, N.W.; Suite 800; Washington, DC 20005; telephone number (202) 220-6000; facsimile number (202) 220-5200, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

BROBECK, PHLEGER & HARRISON LLP
Intellectual Property Department
1333 H Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 220-6000 (telephone); (202) 220-5200 (facsimile)

Signature _____ Date _____

Full Name of First Inventor: **APT** (Family Name) **Kirk** (First Given Name) **Emil** (Second Given Name)

Citizenship:
Residence: Columbia, MD
Address:

Signature _____ Date _____

Full Name of Second Inventor: **ALLNUTT** (Family Name) **F.C. Thomas** (First Given Name) (Second Given Name)

Citizenship:
Residence: Port Deposit, MD
Address:

Signature _____ Date _____

Full Name of Third Inventor: **KYLE** (Family Name) **David** (First Given Name) **J.** (Second Given Name)

Citizenship:
Residence: Cantonsville, MD
Address:

Signature _____ Date _____

Full Name of Third Inventor: **LIPPMEIER** (Family Name) **James** (First Given Name) **Casey** (Second Given Name)

Citizenship:
Residence: Washington, DC
Address:

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Washington, D.C. 20005
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VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERNDocket No.
031676.0212

Application No.

09/839,536

Filing Date

April 23, 2001

Patent No.

Issue Date

Applicant/
Patentee: **Kirk Emil APT et al.**Invention: **TROPHIC CONVERSION OF OBLIGATE PHOTOTROPHIC ALGAE THROUGH METABOLIC ENGINEERING**

I hereby declare that I am:

- the owner of the small business concern identified below:
- an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **Martek Biosciences Corporation**ADDRESS OF CONCERN: **6480 Dobbin Road, Columbia, Maryland 21045**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-identified invention described in:

- the specification filed herewith with title as listed above.
- the application identified above.
- the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- No such person, concern or organization exists.
- Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

- Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

- Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

- Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

- Individual Small Business Concern Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)


I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: George Barker, Esq.

TITLE OF PERSON SIGNING OTHER THAN OWNER: Senior Vice President & General Counsel

ADDRESS OF PERSON SIGNING: **Martek Biosciences Corporation
6480 Dobbin Road
Columbia, Maryland 21045**

SIGNATURE:  DATE: 5/7/01

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My residence, post office address and citizenship is as stated below next to my name;

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And I hereby authorize and request our agents, Brobeck, Phleger & Harrison LLP, whose address is set forth below, to insert above, the filing date and application number of said application when known.

Prior Foreign Application(s)

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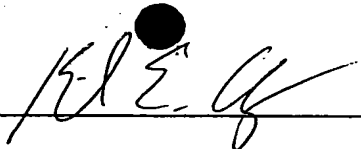
Rodger L. Tate, Registration No. 27,399; Anthony W. Shaw, Registration No. 30,104; James Remenick, Registration No. 36,902; Cono A. Carrano, Registration No. 39,623; Laurence H. Posorske, Registration No. 34,698; Robert A. King, Registration No. 42,738; and Trevor Q. Coddington, Registration No. 46,633.

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Intellectual Property Department
1333 H Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 220-6000 (telephone); (202) 220-5200 (facsimile)

Signature



Date

8/2/01

Full Name of
First Inventor:

APT
(Family Name)

Kirk
(First Given Name)

Emil
(Second Given Name)

Citizenship:

U.S.A.

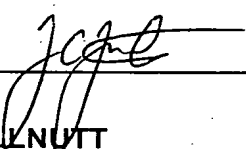
Residence:

6312 Early Glow Court, Columbia, MD 21797

Post Office
Address:

(same as above)

Signature



Date

2 Aug 2001

Full Name of
Second Inventor:

ALLNUTT
(Family Name)

F.C.
(First Given Name)

Thomas
(Second Given Name)

Citizenship:

U.S.A.

Residence:

95 Bentley Lane, Port Deposit, Maryland 21904

Post Office
Address:

(same as above)

Signature



Date

Aug 2, 2001

Full Name of
Third Inventor:

KYLE
(Family Name)

David
(First Given Name)

J.
(Second Given Name)

Citizenship:

U.S.A.

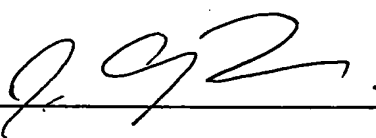
Residence:

1801 Narbeth Road, Catonsville, Maryland 21228

Post Office
Address:

(same as above)

Signature



Date

7/2/01

Full Name of
Fourth Inventor:

LIPPMEIER
(Family Name)

James
(First Given Name)

Casey
(Second Given Name)

Citizenship:

U.S.A.

Residence:

311 A Street, N.E., Apt. 3, Washington, DC 20002

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Address:

(same as above)

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